



By electronic filing and by e-mail

January 19, 2010

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
27th floor
Toronto, ON M4P 1E4

Dear Ms Walli,

Union Gas Limited ("Union")
Calculation of Under-Recovery
Board File No.: EB-2008-0411
Our File No.: 339583-000036

We are writing to advise that we have circulated to those who executed the Confidentiality Undertaking in these proceedings our reply to the January 19, 2010 letter from counsel for Union contending that there was nothing improper or unfair about Union's Reply Submissions.

Our reply refers to some of the information in the Confidential Schedule Union circulated with its Reply Submissions to those who executed the Board's Confidentiality Undertaking. For this reason, its circulation is confined to those parties.

We have informed representatives of Union and Board Staff that our confidential reply to counsel for Union's January 19, 2010 submissions is being distributed by courier.

For reasons detailed in our confidential letter of reply, we contend that neither Rule 11.02 of the Board's *Rules of Practice and Procedure*, nor paragraph 123 of the November 27, 2009 Decision and Order justifies Union's untimely filing of new evidence and new arguments with its January 18, 2010 Reply Submissions.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Peter Thompson', is written over a horizontal line.

Peter C.P. Thompson, Q.C.

PCT\slc
c. Chris Ripley (Union)
Sharon Wong (Blakes)
Interested Parties EB-2008-0411
Paul Clipsham (CME)

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